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Attorneys for Defendants
Franklin Templeton Investor Services, LLC,
Franklin/Templeton Distributors, Inc., and
Templeton Institutional Funds

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF RETIREMENT OF THE
IMPERIAL COUNTY EMPLOYEES'
RETIREMENT SYSTEM,

Plaintiff,

v.

FRANKLIN TEMPLETON INVESTOR
SERVICES, LLC.,
FRANKLIN/TEMPLETON
DISTRIBUTORS, INC., TEMPLETON
INSTITUTIONAL FUNDS, INC. AND DOES
1 THROUGH 50,

Defendants.

Case No. 3:17-cv-01784-JST

**STIPULATION AND [PROPOSED]
ORDER REGARDING BRIEFING DATES
FOR DEFENDANTS' MOTION TO
DISMISS**

Judge: Hon. Jon S. Tigar
Courtroom: 9, 19th Floor

1 WHEREAS, plaintiff Imperial County Employees' Retirement System (the "Plaintiff")
2 filed a complaint in the Superior Court in and for the County of San Mateo on January 18, 2017,
3 followed by a First Amended Complaint on March 1, 2017. *See* ECF 1-1 (First Amended
4 Complaint).

5 WHEREAS, defendants Franklin Templeton Investor Services, LLC, Franklin/Templeton
6 Distributors, Inc. and Templeton Institutional Funds (collectively, the "Defendants") removed this
7 action to this Court on March 31, 2017 and it was assigned to Magistrate Judge Joseph C. Sperro.
8 *See* ECF 1 (Notice of Removal).

9 WHEREAS, Defendants filed a motion to dismiss (the "Motion") the Plaintiff's First
10 Amended Complaint on April 7, 2017 which was set to be heard by Magistrate Judge Joseph C.
11 Sperro on May 19, 2017 at 2:00 pm. *See* ECF 8 (Motion).

12 WHEREAS, Plaintiff's opposition (the "Opposition") to the Motion is due April 21, 2017
13 and Defendants' reply (the "Reply") in support of their Motion is due April 28, 2017 pursuant to
14 Rule 7-3 of the Local Rules of the United States District Court for the Northern District of
15 California.

16 WHEREAS, Defendants declined to consent to the jurisdiction of a Magistrate Judge and,
17 as a result, the Clerk of Court vacated the May 19, 2017 hearing date pending reassignment. *See*
18 ECF 12 (Defendants' Declination), 14 (Clerk of Court's Notice of Impending Reassignment).

19 WHEREAS, this action was assigned to United States District Court Judge Jon S. Tigar on
20 April 18, 2017. *See* ECF 15 (Order Reassigning Case).

21 WHEREAS, the parties have been engaged in settlement discussions since the filing of the
22 Motion and, as a result of the directive vacating the hearing date, and in order to facilitate the
23 ongoing settlement discussions between the parties, the parties agree that the deadlines for the
24 Opposition and Reply briefs should be briefly vacated to enable the parties to focus adequate
25 resources on pursuing settlement which may avoid unnecessary use of judicial resources in the
26 interim.

27 WHEREAS, no other time modification has been requested or obtained in this action and,
28 consistently, the parties do not believe the granting of this modification would impact the schedule

1 in this action.

2 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the
3 respective parties hereto, subject to the approval of the Court, that:

- 4 1. Plaintiff shall not be required to file their Opposition on April 21, 2017.
- 5 2. Defendants shall not be required to file their Reply on April 28, 2017.
- 6 3. Within ten (10) days of the filing of this stipulation, the parties will meet-and-
7 confer to attempt to agree upon a rescheduled hearing date for the Motion and a briefing schedule
8 for the Opposition and Reply and, if necessary, will submit a revised schedule to this Court for
9 approval no later than April 26, 2017.

10 **IT IS SO STIPULATED.**

11 DATED: April 18, 2017

HANSON BRIDGETT LLP

12
13 By: /s/ Raymond F. Lynch
14 RAYMOND F. LYNCH
15 MATTHEW J. PECK
16 Attorneys for Board of Retirement of the Imperial
17 County Employees' Retirement System
18

19 DATED: April 18, 2017

ARNOLD & PORTER KAYE SCHOLER LLP

20
21 By: /s/ Gilbert R. Serota
22 GILBERT R. SEROTA
23 AMY V. ENDICOTT
24 ALISON C. EPSTEIN
25 Attorneys for Defendants Franklin Templeton
26 Investor Services, LLC, Franklin/Templeton
27 Distributors, Inc., and Templeton Institutional
28 Funds.

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The parties having so stipulated and good cause appearing, **IT IS HEREBY ORDERED:**

1. Plaintiff shall not be required to file its Opposition on April 21, 2017.
2. Defendants shall not be required to file their Reply on April 28, 2017.
3. Within ten (10) days of the filing of this stipulation, the parties will meet-and-confer to attempt to agree upon a rescheduled hearing date for the Motion and a briefing schedule for the Opposition and Reply and, ~~if necessary~~, will submit to this Court for approval no later than April 26, 2017.

- confer to attempt to agree upon a rescheduled hearing date for the Motion and a briefing schedule for the Opposition and Reply and, if necessary, will submit to this Court for approval no later than April 26, 2017.

IT IS SO ORDERED.

DATED: April 18, 2017


THE HONORABLE JON S. TIGAR
UNITED STATES DISTRICT JUDGE